IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 23284 OF 2005

Date: 31.10.2005

BETWEEN:

P. Chandrasekhar Reddy

.... PETITIONER

And

1. The Joint Collector, Cuddapah, Cuddaph District, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 23284 OF 2005

ORDER:

The fourth respondent was recorded as the owner and possessor in respect of the agricultural lands in S.Nos.561, 589, 590, 603, 816/4, 817, 823, 824, 832, and 847/2, of Chirrajupalli of Yerraguntla Mandal in Kadapa District. The fourth respondent appears to have produced the certificates obtained by the revenue authorities during his selection as Branch Post Master of Chirrajupalli, so as to satisfy one of the qualifying conditions. The Petitioner then made a complaint to the Superintendent of Post Offices, who requested the Mandal Revenue Officer (MRO) to verify the claim made by the fourth respondent. The third respondent conducted an enquiry and passed orders on 22.7.2004 for deletion of entries in pattadar passbooks of the fourth respondent. Aggrieved by the same, the fourth respondent filed an appeal under Section 5(5) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') unsuccessfully. He then filed a revision petition under Section 9 of the Act before the first respondent, who by the impugned order dated 15.9.2005 set aside the orders of the Mandal Revenue Officer and Revenue Divisional Officer, and observed that there is prima facie evidence to hold that the title over the lands in question vests with the fourth respondent and that the pattadar passbooks and title deeds hold good.

This order is assailed in this writ petition.

The Joint Collector traced the genealogy of the family of the fourth respondent, which would show that the fourth respondent was certainly entitled to share in the property, which was originally owned by G. Kanchireddy of Chirrajupalli. The Joint Collector also verified relevant revenue records and found that in respect of the survey numbers referred to hereinabove, Kanchireddy was shown as pattadar, and it was also shown that he had three sons and four legal heirs of the original pattadar. The lands in question fell to the share of Pedda Rami Reddy (son of Kanchireddy), who is none other than the grand father of the fourth respondent. Dealing with this aspect of the matter, the Joint Collector observed as under.

> It is noticed that the Mandal Revenue Officer, Yerraguntla has not acted at his discretion, but ordered for deletion of the survey numbers furnished in the pattadar pass book and title deed issued to the revision petitioner, Sri G. Rampavan Reddy, with an intention for displacement from the post of S.G.D. B.P.M., since no action was initiated against the coparceners of the revision petitioner, who were also issued pattadar pass book and tile deed for partial extents of the lands in the same survey numbers, which had come under their share. Therefore, it is proved expediently that the revision petitioner Sri G. Rampavan Reddy has got every right and title over the lands for which pattadar passbooks and title deed issued to him.

The petitioner is not one of the members of the joint family of the Kanchireddy nor he has any share in the property. He was one of the candidates for the post of Branch Post Master under Grameena Doc Seva Scheme, but the fourth respondent was selected on considering the pattadar passbooks and title deeds produced by him, and therefore, the petitioner approached the revenue authorities, namely, the Mandal Revenue Officer and the Revenue Divisional Officer to cancel/delete the revenue entries. In the Scheme of the Act and relevant Rules, only the persons having a share in the land, or who acquired title subsequently, are entitled to seek redressal either before the Mandal Revenue Officer or the Revenue Divisional Officer. Therefore, at the behest of the petitioner these officers could not have entertained any petition, but they entertained and ordered deletion of the entries in favour of the fourth respondent. The Joint Collector, the first respondent herein has rightly interfered in exercise of his powers under Section 9 of the Act. A perusal of the impugned order would show that the first respondent has considered every aspect of the matter in detail, and rightly allowed the revision petition of the fourth respondent.

The Writ Petition is devoid of any merit and the same is accordingly dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

31st October, 2005

Js.